



PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
HOUSE TRANSPORTATION, HOUSE DEMOCRATIC POLICY,
AND HOUSE REPUBLICAN POLICY COMMITTEES**

**CONCERNING
TRANSPORTATION FUNDING**

**PRESENTED BY
DENNIS HAMEISTER
PSATS EXECUTIVE BOARD MEMBER**

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CLARION, PA

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Chairman Markosek and members of the House Transportation Committee and the House Democratic and Republican Policy Committees:

Good afternoon. My name is Dennis Hameister and I am a township supervisor in Harris Township, Centre County and an executive board member for the Pennsylvania State Association of Township Supervisors. Thank you for the opportunity to appear before you today. With me is David M. Sanko, executive director for the Association.

The Association believes that local roads, state highways, and mass transit comprise a single transportation network for the Commonwealth's traveling public. Pennsylvania has more than 117,000 total road miles and two-thirds of these are owned and maintained by local government, including those in Districts 1 and 10. Local government also maintains more than 6,400 local bridges over 20 feet and thousands more bridges that are less than 20 feet. These local roads and bridges are a vital link in our transportation network and provide children with safe transport to school, workers with reliable access to jobs, patients with transportation to doctors, and farmers with a means to move food to consumers across the state and country. As such, the Association believes that local government is an essential partner with the state in maintaining our transportation system.

Funding to repair and replace local bridges is critical. With limited federal and state dollars available, the impact of repairing or replacing a bridge can overwhelm the finances of local governments. For example, **Worth Township, Centre County**, received only \$50,462 in liquid fuels funds in 2008, but has a bridge that needs replaced at an estimated cost of \$300,000. This bridge is currently posted with a 9-ton weight limit and serves 20 homes. If the bridge is closed, it will force emergency responders and school buses to take a 5.5 mile detour.

In fact, increasing prices for materials and stagnant revenues are making it increasingly difficult for local governments to maintain their transportation infrastructure. **Marion Township, Centre County** needs \$75,000 to install a 2-inch base coat and a 1.5-inch topcoat of blacktop on .66 of a mile on Slaughterhouse Road. The road was last paved about 50 years ago and is deteriorating badly and raises a safety issue. Marion Township has a small tax base due to the rural nature of the community and received only \$28,228 in liquid fuels funds in 2008.

Local expenses on state roads

An overlooked aspect of transportation funding is the fact that local transportation funds are spent on state roads. With few exceptions, local governments are responsible for the maintenance and operation costs of traffic signals on state roads across the Commonwealth, but do not receive any state funding for these added responsibilities. While the Association contends that this should be a PennDOT responsibility, at the very least funding (*in addition to liquid fuels*) should be provided to offset the burden that is placed on local governments. The Transportation Advisory Committee's recent recommendation for \$182 million annually to implement a statewide modernization and operation program for the 14,000 traffic signals owned and operated by local governments would go a long way to help offset the cost of this significant expense, we do not believe that it would cover the cost of everyday maintenance and electricity.

Maintenance of drainage structures on state highways has been a point of contention with municipalities for some time. Instead of accepting responsibility for the permitted structures in its right-of-way, PennDOT has, in policy and practice, attempted to hold municipalities responsible for these structures. The Association maintains that PennDOT should be financially responsible for the maintenance of all state highways and rights of way, including storm drainage facilities on state highways and the Department should be prohibited from attempting to force local governments to maintain a structure or facility that the state has chosen not to maintain. It is estimated that \$250 million in annual funding is needed to maintain these drainage facilities and local governments simply cannot afford to shoulder this burden without adequate funding. In fact, the cost to replace stormwater drainage pipes and inlets on a busy highway located in five Centre County municipalities is estimated to cost \$15 million.

On a related issue, new federal regulation will require that new and expensive steps be taken to reduce the amount of total dissolved solids in our waterways. It is abundantly clear that the costs to comply with these mandates, or not to comply, will be very significant and will require that extensive maintenance be performed on stormwater drainage systems.

PennDOT District 1

In 2008, municipalities in District 1 spent \$77.5 million on local roads and bridges, yet only received \$21.5 million in liquid fuels funds. District 1 has 555 local bridges, of which 44 percent are currently posted with a weight limit. Of all local bridges in District 1, 16 percent (88) are posted at 10 tons or less and another 5.5 percent (31) are currently closed. Many of the municipalities in District 1 are located in the snow belt and some are facing major impacts from drilling in the Marcellus Shale region.

Local officials have been squeezing as much as possible out of their transportation dollars for years. However, the combination of increasing prices, expensive mandates, and decreasing income from liquid fuels and local tax sources are driving our transportation system to a financial crisis. Local government has tightened its belt once again and is forced to defer badly needed maintenance projects, which will only serve to sharply increase the dollars needed to complete these projects in the future.

Following are a few examples of transportation needs in District 1 and cases where townships have used partnerships to stretch their transportation dollars.

Beaver Township, Crawford County has a total annual road budget of \$200,000 and 42 miles of dirt road and 22 bridges (*10 are over 20 feet long and the rest are 16 to 18 ft long*). The township is located in the Commonwealth's "Snow Belt" and while typically the township averages around 100 inches of snow per year, the average for the last two years has been about 200 inches.

The township has several roads that have been destroyed by large trucks and equipment and the township has tried everything they can think of to try to find grants, but with no success. To make the half-mile of road passable for emergency vehicles would cost \$20,000 and to get this road upgraded to handle the weight of the vehicles being used on this and an additional two

miles of road would cost at least \$500,000. The township would need to hire contractors to do this work.

Another major issue for Beaver Township is the drilling in the Marcellus Shale. Drillers have hit some big wells in the township. The township has tried to work with the well drillers because they do not want to deny landowners the revenue that they are making off of their properties. While most drillers have worked with the township, there have been problems. The township is in litigation with one company and while the courts keep ruling in the township's favor, the driller keeps appealing. The township's roads were originally built for small cars and are insufficient for the vehicles currently traveling them. If the township put down four inches of gravel on all of its roads today, it would cost approximately \$1.5 million and would only last for a few years.

The township has 2,700 acres of state gamelands and six miles of township roads that run through them. While the township does receive payments in-lieu-of tax for this land, it does little to offset the costs of needed road maintenance.

Beaver Township has been creative in the use of its modest budget by purchasing used trucks from the Department of General Services and fixing them up. The township has a snowplowing agreement with PennDOT to perform winter maintenance on 26 miles of road and the \$50,000 that the township receives for this helps greatly to offset the costs of antiskid for township roads and equipment costs.

The township supervisors donate much of their time to help the township, including half of their labor during the winter, but feel that they are reaching the end of their rope. The township receives little in revenues from state gamelands and cannot increase property taxes in this mostly agricultural community. The township supervisors invite anyone to visit their township and go along on a road tour of Beaver Township.

Richmond Township, Crawford County participates in the Dirt and Gravel roads program. While the township believes the program to be very well run, it sees the drawback in the program's rejection of pavement or MC70 products as the final surface treatments to control stormwater runoff and pollution from dirt roads. The program prefers a limestone crushed gravel as the designated surface aggregate with an underlying plastic sheet to control mud and limit frost damage. The limestone mix works very well but is y expensive on the western side of the state. Application of the plastic sheeting and limestone installation has come in at \$20 and more per ton.

Richmond participates in the "STARR Alliance," which includes the Crawford County townships of Steuben, Troy, Athens, Randolph, and Richmond. These townships work together to advertise jointly for as many products and services as they can, including MC70, limestone chips, pea stone, antiskid, and road signs. Townships that don't have backhoes trade trucking for backhoe work. Doing its own trucking saves the township over \$3 per ton on most material and more.

Pavement in Crawford County has been quoted at around \$90,000 per mile and frost damage in the northwest is the most uncontrollable part of township budgets. MC70 and stone chips applied by the townships working together costs about \$6,000 per mile. The surface treatment helps to stop stormwater pollution and cuts air pollution caused by dirt road traffic. MC70 generally needs reapplied every year and the cost increase is putting the product financially out of reach for rural townships.

Franklin Township, Erie County has an annual road budget of \$350,000 and millage that is now the highest in the county. The township needs to replace a plate arch cross pipe that will cost \$100,000. Other cross pipes in the township are failing and need to be replaced for about \$70,000. In addition, the township will need to spend \$120,000 on the annual graveling of its roads just to maintain the current thickness. Finally, the township needs to replace a worn out berm mower, backhoe, and truck, which combined will cost about \$180,000, about half of the township's annual road budget.

McKean Township, Erie County has an Agility Agreement with PennDOT. For the past three years, the township has requested guiderails from PennDOT, but has not received them due to the Department's funding shortage. McKean has several bridges that require immediate attention, but there is no money available to repair these structures.

While liquid fuels funds have decreased over the last few years, the cost to maintain the township's tar and chip roads is increasing. One of the neighboring municipalities is turning their roads back to dirt due to the decrease in funds for road projects.

Venango Township, Erie County purchased land to mine gravel for their dirt and gravel roads, which is saving several hundred thousand dollars.

Washington Township, Erie County has had an agreement with Franklin Township to perform winter maintenance for Franklin. This arrangement has resulted in savings for both townships over the last three years and the townships are now working on an agreement to have Washington perform summer maintenance for Franklin.

Columbus Township, Warren County has two projects that they consider very important. They are the rehabilitation of Way Road Bridge and the Stewart Road Bridge.

According to the interim inspection report performed on the Way Road Bridge in 2009, the remaining life was 10 years and the recommended weight limit was lowered to 5 tons. Another inspection was made in 2010, and the remaining life was lowered to 5 years and the recommended weight limit remained at 5 tons, however the township is concerned that this weight limit may be too high. The corrosion and rate of section loss on the stringers is increasing at every inspection and the long-term stability of the abutment is questionable. Recommended temporary improvements total \$91,300.

The township and its engineer feel that replacement of the Way Road Bridge Project is critical and have asked the county and PennDOT District 1 for assistance. The township can no longer cross the bridge with snowplows. The township plows the northern section of Way Road

to the bridge, then the driver proceeds to the other end of the road and plows the southern section of the road to the bridge. The township must contract out for the snowplowing of the bridge itself.

According to the interim inspection report performed on the Stewart Road Bridge in 2009, the structure is rated in poor condition because of the deflections and distortion in the barrel and potential for scour. The remaining life is estimated as five years and it is posted at 3 tons. The bridge report stated that the bridge should be scheduled for replacement and the estimated cost is \$600,000.

Both bridges were placed on the PennDOT bridge program, with the priority placed on the Way Road Bridge. Each year, the projects are pushed further back and the township cannot afford to replace either bridge without financial assistance.

PennDOT District 10

In 2008, municipalities in District 10 spent \$54.55 million on local roads and bridges, yet only received \$17.5 million in liquid fuels funds. District 10 has 432 local bridges, of which 50 percent are currently posted with a weight limit. Of all local bridges in District 10, 24 percent (102) are posted at 10 tons or less and another 2 percent (8) are currently closed.

Following are a few examples of transportation needs in District 10 and cases where townships have used partnerships to stretch their transportation dollars.

Cranberry Township, Butler County is one of the fastest growing communities in the Commonwealth and was instrumental in keeping Westinghouse Electric's global headquarters in Pennsylvania, maintaining 2,500 jobs and creating another 7,000 jobs. To keep up with the need for capacity upgrades, the township has invested over \$25 million in local and private funds to upgrade state roads. Unfortunately, the lack of state funding has resulted in a loss of millions in matching funds that were designated for improvements to state-owned highways in a multi-municipal project.

The township recently had to withdraw from a proposed PennDOT turnback project, where PennDOT would have upgraded a state road and then turned the road over to the township. Due to the low reimbursement rate provided for these roads, the costs to the township to assume ownership of a state road would have required additional local tax revenue, which the township was unable to provide.

Cranberry Township created a unique multi-municipal partnership with three other municipalities located in two counties and two PennDOT districts to manage the traffic on two major corridors bisecting these communities. This partnership has saved each community over \$20,000 per year and provides for a seamless movement of traffic in an efficient manner across multiple municipal boundaries.

In previous years, **Franklin Township, Butler County**, would have a paving project every year. However, due to the rise in the cost of materials and the prevailing wage ruling, the

township is now only able to afford a paving project every other year. This means that the roads that the township had taken pride in keeping in good repair are going to slowly deteriorate because the township lacks the funding to continue to take such good care of its roads.

Franklin Township has one traffic signal and there are two areas where township roads intersect with state roads and are in need of signalization. These are the State Route 422 intersection of West Old Rt. 422 and State Route 488, and the State Route 422 intersection of Unionville Road. The minimum cost for such a project is \$100,000 plus the ongoing expense of signal maintenance agreements and electricity. The township cannot afford these projects at this time.

The township took over two state roads years ago due to their poor, unsafe condition. However, due to rising costs, the township does not know how it will continue to maintain them in their present good condition.

Franklin has partnered with another municipality for line painting jobs and use Franklin's truck, two operators, and crack sealing machine and materials in exchange for extra manpower from the other municipality for flagging or other road work, such as installing culverts, etc. Franklin has also used its road crew to help with the other municipality's bigger projects that require more manpower. No money is exchanged. This partnership helps a small road crew perform larger road projects and a larger municipality is able to use experienced road crew workers instead of inexperienced summer help.

Franklin has entered into a winter maintenance agreement with PennDOT for three state roads in an attempt to recoup some winter maintenance costs and has entered into Agility agreements with PennDOT for mowing and ditching in exchange for line painting, crack sealing, and engineering services.

Farmington Township, Clarion County has been significantly impacted by the lack of transportation funding. Farmington has nearly 56 miles of roads and its budget tightens each year, particularly with the recent reduction in liquid fuels funds. Because of the reduction in funds, the township has had to end its paving program a couple of years ago and now has problems keeping current with its sealing program. Additionally, it is considering turning more of its roads back to dirt and gravel.

The township has many mandates ahead of it with little or no funding, such as the federal requirement to update road signs and the revamping of railroad crossings to address safety concerns.

St Petersburg Borough, Clarion County needs to replace 450 feet of 15 inch drainpipe on a street that has erosion problems, but due to price increases on antiskid materials, the borough has had to halt all work. This is not the only borough project that is affected. Sealcoat is needed on some roads or the borough will lose them. Even dirt roads have been affected due to increase of material price but no increase in funds. It is difficult to maintain the borough's roads with its small tax base.

The borough does work with a neighboring township to reduce costs, including snow removal and ditching. The borough currently has a 1960 tractor in need of replacement. This is used as a grader, loader, and mower and the cost to replace this workhorse is around \$24,000, which is three years of liquid fuels funds for the borough.

White Township, Indiana County is currently able to pave only 1.88 miles of road each year because of increased costs. However, when based on the life expectancy of a road, the township should be able to pave 7 miles each year. When the township cannot pave roads because of the expense, they do sectional patching, crack sealing, and seal coating.

Beaver Township, Jefferson County had one part-time employee performing all road maintenance for more than 30 years. As such, the current crew is now dealing with a substantial backlog of maintenance projects. The township is just trying to bring all of its roads up to decent condition and is rapidly running out of money.

Heath Township, Jefferson County has started working with two other townships to snowplow portions of the other community's roads when it makes sense to save time and gas. The townships have tried to obtain multimunicipal grants for equipment, but have been unsuccessful. Because of increased costs and stagnant revenues, the township just can't maintain its roads in the condition it would like.

McCalmont Township, Jefferson County has a bridge that needs replaced which spans a small stream that runs through the Village of Anita. The local fire company is on one side of the stream and to reach Route 310, which is the Main Street of Anita, the trucks must cross this one-lane bridge that has a weight limit exceeded by most of the emergency vehicles.

The township would like to replace this bridge for safety reasons, but can't afford to do so. The estimated cost was \$600,000 in 2008. The township looked into loans and grants, but simply does not have the finances to make the match required by most programs.

Rose Township, Jefferson County would like to install a storm drain with 18 inch pipe and catch basins the entire length of one of its roads, which is very narrow and the west side of the road has an open ditch with a depth of 3 to 4 feet. Springs on the hill above this road, which has 25 homes, run all year and cause a lot of runoff and flooding. The estimated cost for this project is \$45,000 and this would greatly benefit the community, however, the township simply does not have the funds to undertake this project.

Last year, the township oiled and chipped a road that is the major route to a neighboring township with an active racetrack during the summer months and that is used by a significant amount of traffic and another road that is used as a short cut between two state highways. The township was able to oil and chip these roads for \$36,000. The township would have liked to pave both of these roads, but the \$500,000 estimated cost was more than the township could afford.

Rose Township recently decided to close a bridge that would have cost \$1 million to replace. The township would like to pave and widen a road that averages 14 feet wide and serves 26 homes and an active church instead of patching and sealing.

Local share of transportation funding

The Association believes that the commonwealth must maintain a predictable and reliable funding method for local roads, state highways, and mass transit. PSATS supports a blend of revenue enhancements, including realigning the cap on the oil franchise tax, tying Pennsylvania's registration fee structure to the consumer price index, adjusting the gas tax, and increased use of public private partnerships, to fund the state and local highway and bridge systems. We also support any reasonable means to streamline the approval process for transportation projects and increased flexibility for bridge design standards. We urge that any and all solutions include the following components: at least a 20 percent local share, depositing all proceeds into a restricted use account, and linking any tax or fees to the consumer price index. At a minimum, local government needs the \$250 million in additional annual funding advocated by the recent Transportation Advisory Committee just for maintenance needs.

Decrease mandates

There are several actions that the General Assembly can take that would significantly decrease the cost of maintaining their transportation infrastructure. These actions include:

- ♦ Provide relief from the Prevailing Wage Act by revising the act's criteria to return to the historical exemption for paving and similar maintenance activities while retaining coverage for new construction if state dollars are used. This change could save local governments more than \$200 million in paving costs statewide.
- ♦ Require PennDOT to increase the maximum amounts for road bonding.
- ♦ Increase the required advertising and bidding amounts from \$10,000 to at least \$25,000, with an annual cost of living increase. Alternatives to legal advertising, such as placing ads on a centralized Web site or reducing the amount of text required when advertising projects, would increase the number of potential bidders while decreasing the local government's cost of doing business and could free up hundreds of thousands of dollars statewide.

In closing, transportation funding for highways and mass transit needs to be carefully examined and acted on now. Unless action is taken soon, our transportation system will crumble, driving economic opportunities away.

Thank you for this opportunity to testify before the committee today. We will now attempt to answer any questions that you may have.



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White Paper on PennDOT Stormwater Policy

June 2, 2010

White Paper on PennDOT Stormwater Policy

Issue: Municipal Maintenance Responsibilities for Subsurface Stormwater Facilities on State Highways

Background:

The state legislature adopted the State Highway Law of 1945. Section 421 of the act states, “It is unlawful for any person to discharge sewage or drainage, except surface drainage, on, or within the legal limits of, any state highway”. An exception in the act exists for driveway drainage and that coming from a municipal roadway. For many years it was standard for storm drainage systems in curbed sections of roadways in Boroughs and Cities to be maintained by the municipality. In 1997 a Commonwealth Court case, *Nellie Wallace v. PADOT* resulted in a decision affirming that “... The obligation of the Commonwealth in the reconstruction, resurfacing, or maintenance as hereinbefore provided shall be limited to that part of the street or section thereof *between curb lines* as established at the time of passage of this act (State Highway Law of 1945), but shall not include the portions of such streets which are or may be used or occupied by the structures or surface facilities of any public utility company...” This decision reaffirmed the PennDOT policies incorporated into its Maintenance Manual beginning in 1988 requiring that townships maintain storm water systems along state highways. This policy has been disputed ever since by municipalities as an unfunded mandate. The results of the PennDOT policy are mixed with most townships unwilling to accept responsibility for storm water systems on state highways.

In February 2007 the Pennsylvania State Transportation Advisory Committee (PSTAC) issued a report entitled “Storm Water Facilities on State Highways” to identify the current responsibilities for storm water maintenance along state highways, to evaluate the extent and associated costs of storm water maintenance along state highways, and to develop equitable alternatives for improving the management of these facilities and the funding for ongoing maintenance and improvements. The full report can be found at:

<ftp://ftp.dot.state.pa.us/public/Bureaus/Cpdm/TAC/Storm%20Water%20Facilities%20on%20State%20Highways%20Final%20Report.pdf>

In late December representatives of PSATS met with Deputy Secretary Scott Christie to discuss the revised draft PennDOT policy that would clarify maintenance responsibilities of parties applying to access storm water facilities.

The first draft of the policy required the local government to apply for a Highway Occupancy Permit (HOP) that would establish future maintenance obligations. The HOP for land development could be obtained by the developer but would be transferred to the local government upon completion of the project. This approach was not acceptable to municipal representatives and at the time of this writing the Deputy Secretary is working on a revised draft.

Discussion:

An issue that has become more prominent within the Centre Region of Centre County, has been the position of the Pennsylvania Department of Transportation (PennDOT) regarding both the long and short term maintenance of storm water drainage inlets and drainage piping within their rights-of-way.

This matter has become a concern in the Centre Region after municipal Public Works Directors noted the number of storm pipe failures on Atherton Street. As an example, the stormwater pipe collapsed under the South Atherton Street bike path (Harris Township) in 2004. The Township applied for and received a TE grant (Safe Routes to Schools) in 2005 to fund the repairs. It was completed in 2008. The project doubled in price between the time the grant was awarded and actual construction and the Township had to kick in money of its own to finish the project.

Patton Township experienced similar problems within the cartway of Atherton Street when the storm water pipe collapse leaving a gaping hole in the roadway along the curb line.

Recent discussions have lead to College, Ferguson and Patton Townships and the Borough of State College to rank the replacement of the Atherton Street storm pipe system high on the 2040 Long Range Transportation Plan projects. Further, the Centre County Metropolitan Planning Organization has allocated nearly \$500,000 to study the problem. The cost estimate to cure the problem is \$15 million.

If the PADOT policy remains unchanged the cost to repair not only the Atherton Street storm water pipe could be compounded by other failing stormwater piping in sections of curbed state highways along College Avenue, Pine Grove Road, Park Avenue, and Beaver Avenue.

This paper comments on and provides some suggestions on this issue, with discussion points on (1) improvements made under a State permit versus improvements completed by PennDOT; (2) conclusions made by PennDOT versus recommendations made in the Pennsylvania State Transportation Advisory Committee (PSTAC) Report on Storm Water Facilities on State Highways, dated February 2007; (3) routine maintenance versus long-term maintenance, which is

referred to as capital replacement; and (4) the logic of physical repair/replacement and funding responsibilities.

Permitted Work versus State Constructed Roads

Some of the logic used in memoranda by PennDOT mentions work performed by some cities well over fifty years ago, in which curbs were added to existing streets as a cosmetic feature. In a case where a city performed the work, it certainly could be argued that this was constructed under a permit with the State and that the city then took over maintenance responsibilities for those curbs, and necessary drainage facilities that accompanied that work. However, PennDOT has been constructing curbed street sections, using design standards they developed for both storm drain inlets and drainage piping. In those cases, which is the vast majority of curbed streets, the curb (and gutter), inlets, and drainage pipes are an integral part of the street and not an appendage to the pavement section. It would be very rare that a municipality was involved in the design of that system, and have the drawings of those drainage systems. There is relative certainty that PennDOT has never deeded over the inlet and piping systems to the municipalities. So it would be illogical for a municipality to ever expect to program funding for the maintenance of these facilities.

Conclusion versus Recommendations of the PSTAC Report

The PSTAC Report does not conclude that the municipalities are, in fact, the responsible party for maintenance of storm water drainage systems within state rights-of-way, but notes that it is a point of contention. The primary recommendations of this report are that additional funding needs to be identified and that action is needed from the General Assembly.

Routine Maintenance versus Capital Replacement

Much of the memoranda and PSTAC report use the term “maintenance” when referring to either short term (routine) maintenance, and then expanding that to apply to long term maintenance, which again is referred to as capital replacement in this paper. If it actually was decided, via a legal ruling or new legislation, that local municipal governments should be responsible for “routine maintenance”, there may be ways for municipalities to fund this or perform the work under PennDOT’s AGILITY program. It could be argued that the local public works

departments would be more suited to performing inlet cleaning and grading of drainage ditches and outlet pipes. However, the “capital replacement” of storm drainage inlets and piping is only needed every twenty to fifty years. With the local municipalities not being aware of the locations, sizes, and materials for these drainage facilities, it is unreasonable to expect them to find funding sources for these expensive projects. It is much more logical for this type of replacement work to be performed as part of a larger street repair or overlay program.

Logic of Physical Replacement (Construction) and Funding Mechanism

As mentioned earlier, storm drainage systems are an integral part of street construction. Therefore, it is logical that these drainage systems be inspected, and repaired/replaced if needed, during the repair or overlay of a street. It would be absurd to have a municipality tear out perfectly good asphalt and subgrade material, curb and gutter, and then replace the same in order to replace deteriorated storm pipes. Not only would this be doubly expensive versus doing this work with a street overlay, it would result in many streets with long and expansive patches. Funding for replacement of drainage facilities should be programmed and paid for as part of the street overlay.

Developing a Regional Policy:

The COG Public Services Committee has requested that the Municipal Managers to develop a regional position for the Public Services and COG General Forum consideration on the PADOT Maintenance Manual Policy. The position paper would provide the basis for regionally consistent communications with PennDOT and elected state officials on changes to the Maintenance Manual. It may also initiate a regional discussion on how storm water improvements and/or replacements should be funded. The position should consider the following:

- Is there any obligation that municipalities be responsible for storm water pipes on curbed sections of state highways?
- If there is an obligation what if any cost sharing should there be between the state and municipalities?
- Should these types of projects be a priority of the CCMPO?
- What is the Centre Region’s position on issuance of Highway Occupancy Permits for connections to state storm water pipes by municipalities and/or developers?
- Should the state authorize municipalities to collect storm water impact fees when a developer connects to the state storm water pipes under an HOP?

- Should non Centre Region municipalities be consulted in developing a position paper?

Recommendation

Replacement/repair of drainage systems should be the responsibility of the party that is maintaining the street/cartway or right-of-way. In State rights-of-way, this would be PennDOT. Years ago there was a PennDOT motto stated “Maintenance First”. Although the public demand is always for new highways, roadway widening projects, and other “new” projects, the maintenance of our existing roadway systems (including drainage facilities), should be planned and programmed.

Work that a municipality or developer performs under a State permit is different. In that situation, there should be bonding, trust fund or some other surety funding in place that PennDOT can draw from when it’s time to make repairs or modifications.

As stated earlier, it might make sense for the local public works departments to perform the routine maintenance, not “capital replacement” on behalf of PennDOT, perhaps through the AGILITY or other type of program.